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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,832	10/30/2000	Barry J. Glick	774070-5	8186

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EXAMINER

KIM, JUNG W

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,832

Applicant(s)

GLICK ET AL.

Examiner

Jung W Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4, 5, 7.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-54 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-8, 10-12, 15, 16, 24, 25, 27, 28-30, 32-35, 37-39, 42, 43, 51, 52 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy U.S. Patent No. 5,640,452 (hereinafter Murphy). As per claim 28, Murphy discloses an apparatus for controlling access to digital information, comprising: a processor having memory adapted to store software instructions operable to cause the processor to associate with the digital information a location identity attribute that defines at least a specific geographic location, wherein the digital information can be accessed only at the specific geographic location (see Murphy, Abstract; Figure 2, Reference No. 19i and related text).

4. As per claim 29, Murphy discloses an apparatus as outlined above in the claim 28 rejection under 35 U.S.C. 102(b). In addition, the location identity attribute further

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comprises at least a location value and a proximity value (see Murphy, col. 7, lines 60-65; col. 8, lines 6-10).

5. As per claim 30, Murphy discloses an apparatus as outlined above in the claim 29 rejection under 35 U.S.C. 102(b). In addition, the location value corresponds to a location of an intended recipient appliance of the digital information (see Murphy, col. 8, lines 6-10).

6. As per claim 32 and 33, Murphy discloses an apparatus as outlined above in the claim 29 rejection under 35 U.S.C. 102(b). In addition, the location value further comprises a latitude value, a longitude value, and an altitude dimension (see Murphy, col. 7, lines 60-65; col. 10, line 32-col. 12, line 43; in GPS: latitude and longitude is determined using 3 satellites and altitude is determined using a fourth satellite).

7. As per claim 34, Murphy discloses an apparatus as outlined above in the claim 29 rejection under 35 U.S.C. 102(b). In addition, the proximity value corresponds to a zone that encompasses the location (see Murphy, col. 7, line 65-col. 8, line 5).

8. As per claim 35, Murphy discloses an apparatus as outlined above in the claim 34 rejection under 35 U.S.C. 102(b). In addition, the zone further comprises at least one of a rectangular region, a polygonal region, a circular region, and an elliptical region (see Murphy, col. 7, lines 60-65).

9. As per claim 37, Murphy discloses an apparatus as outlined above in the claim 28 rejection under 35 U.S.C. 102(b). In addition, the apparatus further comprises means for enforcing the location identity attribute by allowing access to the digital information only at the specific geographic location (see Murphy, col. 8, lines 9-22; Figure 2, Reference No. 19i).

10. As per claim 38, Murphy discloses an apparatus as outlined above in the claim 37 rejection under 35 U.S.C. 102(b). In addition, the enforcing means further comprises means for identifying location of an appliance through which access to the digital information is sought (see Murphy, col. 8, lines 6-9).

11. As per claim 39, Murphy discloses an apparatus as outlined above in the claim 38 rejection under 35 U.S.C. 102(b). In addition, the enforcing means further comprises means for comparing the appliance location to the specific geographic location defined by the location identity attribute, wherein access to the digital information is allowed only if the appliance location falls within the specific geographic location (see Murphy, col. 8, lines 9-22).

12. As per claim 42, Murphy discloses an apparatus as outlined above in the claim 38 rejection under 35 U.S.C. 102(b). In addition, the location identifying means further

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comprises means for recovering the appliance location from a GPS receiver embedded in the appliance (see Murphy, col. 7, lines 52-60).

13. As per claim 43, Murphy discloses an apparatus as outlined above in the claim 38 rejection under 35 U.S.C. 102(b). In addition, the location identifying means further comprises means for recovering the appliance location id by triangulating RF signals received by the appliance (see Murphy, col. 10, lines 61-62: GPS triangulation frequency signals are in UHF frequency range).

14. As per claim 51, Murphy discloses an apparatus as outlined above in the claim 28 rejection under 35 U.S.C. 102(b). In addition, the apparatus further comprises means for enforcing the location identity attribute by allowing retrieval of the digital information from memory only at the specific geographic location (see Murphy, col. 8, lines 8-22; Figure 2, Reference No. 19i).

15. As per claim 52, Murphy discloses an apparatus as outlined above in the claim 28 rejection under 35 U.S.C. 102(b). In addition, the apparatus further includes means for enforcing the location identity attribute by allowing visual display of the digital information only at the specific geographic location (see Murphy, col. 7, lines 26-33; col. 8, lines 6-22).

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16. As per claim 54, Murphy discloses an apparatus as outlined above in the claim 28 rejection under 35 U.S.C. 102(b). In addition, the digital information and the location identity attribute are transmitted in electronic form via one of telephone line, video cable, satellite broadcast, fiber optic, and wireless (see Murphy, Figure 1; col. 7, lines 22-60).

17. As per claims 1-3, 5-8, 10-12, 15, 16, 24, 25, and 27, they are method claims corresponding to claims 28-30, 32-35, 37-39, 42, 43, 51, 52, and 54, and they do not teach or define above the information claimed in claims 28-30, 32-35, 37-39, 42, 43, 51, 52, and 54. Therefore, claims 1-3, 5-8, 10-12, 15, 16, 24, 25, and 27 are rejected as being anticipated by Murphy for the same reasons set forth in the rejections of claims 28-30, 32-35, 37-39, 42, 43, 51, 52, and 54.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(b), (f) or (g) prior art under 35 U.S.C. 103(a).

20. Claims 4, 9, 31 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Hastings et al. U.S. Patent No. 6,370,629 (hereinafter Hastings). As per claim 31, Murphy discloses an apparatus as outlined above in the claim 29 rejection under 35 U.S.C. 102(b). Murphy does not expressly disclose the location identity attribute value further comprising a temporal value. Hastings teaches a location identity attribute value including a temporal value to restrict user access to data based on the time of request (see Hastings, Figure 4, Reference Nos. 440 and 460 and related text). It would be obvious to one of ordinary skill in the art at the time the invention was made for the location identity attribute to further comprise a temporal value. Motivation for such a combination restricts access by having a usage policy based on a time interval as taught by Hastings (see Hastings, col. 2, lines 47-49). The aforementioned covers claim 31.

21. As per claim 36, Murphy discloses an apparatus as outlined above in the claim 34 rejection under 35 U.S.C. 102(b). In addition, the zone further comprises a known geographic region including one of a postal zip code, a state, a city, a county, a telephone area code, and a country (see Hastings, col. 2, lines 40-46).

22. As per claims 4 and 9, they are method claims corresponding to claims 31 and 36, and they do not teach or define above the information claimed in claims 31 and 36. Therefore, claims 4 and 9 are rejected as being unpatentable over Murphy in view of Hastings for the same reasons set forth in the rejections of claims 31 and 36.

23. Claims 13 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Emery et al. U.S. Patent No. 5,727,057 (hereinafter Emery). As per claim 40, Murphy discloses an apparatus as outlined above in the claim 38 rejection under 35 U.S.C. 102(b). Murphy is silent on the matter of resolving the appliance location from a street address for the appliance. Emery teaches an apparatus for storing and communicating geographical positioning data using GPS wherein a conversion software is used to resolve the location of a device from a street address (see Emery, col. 5, lines 37-42). It would be obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Emery to the apparatus of Murphy. Motivation for such a combination enables location data to be resolved based on physical address location information and hence, in a data format that is more user accessible.

24. As per claim 13, it is a method claim corresponding to claim 40 and it does not teach or define above the information claimed in claim 40. Therefore, claim 13 is rejected as being unpatentable over Murphy in view of Emery for the same reasons set forth in the rejection of claim 40.

25. Claim 14 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy. As per claim 41, Murphy discloses an apparatus as outlined above in the claim 38 rejection under 35 U.S.C. 102(b). Although Murphy does disclose retrieving the appliance location from within the appliance (see Murphy, Figure 2, Reference No. 23i), Murphy does not expressly disclose retrieving the appliance location from a file stored within the appliance. However, it is notoriously well known in the art for information to be stored in directories as files. For example, files are the central means of organizing data on a UNIX OS. Examiner takes Official Notice of this teaching. It would be obvious to one of ordinary skill in the art at the time the invention was made for the appliance location to be stored in a file within the appliance. Motivation for such a combination enables data to be stored in a conventional filesystem.

26. As per claim 14, it is a method claim corresponding to claim 41 and it does not teach or define above the information claimed in claim 41. Therefore, claim 14 is rejected as being unpatentable over Murphy for the same reasons set forth in the rejection of claim 41.

27. Claims 17-20 and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Schipper et al. U.S. Patent No. 5,577,122 (hereinafter Schipper). As per claim 44, Murphy discloses an apparatus as outlined above in the claim 28 rejection under 35 U.S.C. 102(b). Murphy does not specify the

processor to encrypt the digital information using an encryption key based at least in part on the location identity attribute. Schipper discloses an apparatus for location specific encryption/decryption of a signal wherein communications are encrypted/decrypted by a key based on one or more location identity attributes (see Schipper, col. 7, lines 13-23). Schipper further teaches that such an implementation enables a more secure transmission method as the encryption key changes with time and determined by the location of the mobile station at a given time (see Schipper, col. 5, lines 18-31). It would be obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Schipper to the apparatus of Murphy. Motivation for such a combination enables the security of a transmission to be a function of the location identity attribute and provide a more secure encryption methodology as taught by Schipper.

28. As per claim 45, Murphy covers an apparatus as outlined above in the claim 44 rejection under 35 U.S.C. 103(a). In addition, the apparatus further comprises an area parameter defining a region that encompasses the specific geographic location, and the memory further stores software instructions operable to cause the processor to deterministically combine the area parameter with the location identity attribute to yield the encryption key (see Schipper, col. 7, lines 41 and 51).

29. As per claim 46, Murphy covers an apparatus as outlined above in the claim 44 rejection under 35 U.S.C. 103(a). In addition, the apparatus further comprises means

for enforcing the location identity attribute by allowing decryption of the digital information only at the specific geographic location (see Murphy, col. 8, lines 6-22; Figure 2, Reference No. 19i).

30. As per claim 47, Murphy covers an apparatus as outlined above in the claim 46 rejection under 35 U.S.C. 103(a). In addition, the enforcing means further comprises means for generating a decryption key based at least in part on the specific geographic location, the decryption key being thereby used to decrypt the digital information (see Schipper, col. 8, lines 11-48, especially lines 12 and 41-48).

31. As per claims 17-20, they are method claims corresponding to claims 44-47 and they do not teach or define above the information claimed in claims 44-47. Therefore, claims 17-20 are rejected as being unpatentable over Murphy in view of Schipper for the same reasons set forth in the rejections of claims 44-47.

32. Claims 21-23, 26, 48-50 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Shimada U.S. Patent No. 5,922,073 (hereinafter Shimada). As per claims 48 and 49, Murphy discloses an apparatus as outlined above in the claim 28 rejection under 35 U.S.C. 102(b). Murphy does not expressly disclose the location identity attribute is included in a portion of a file containing the digital information. Shimada teaches a system for controlling access to subject data wherein the location identity attributed is included in a portion of a file containing the digital

information (see Shimada, Figure 2, Reference No. 10). It would be obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Shimada to the apparatus of Murphy. Motivation for such a combination enables the invention to more strictly protect access in a data processing apparatus using a location attribute as taught by Shimada (see Shimada, Abstract). The aforementioned cover claims 48 and 49.

33. As per claim 50, Murphy covers an apparatus as outlined above in the claim 49 rejection under 35 U.S.C. 103(a). In addition, the apparatus further comprises means for enforcing the location identity attribute by allowing access to the file by a corresponding software application only at the specific geographic location (see Murphy, col. 8, lines 6-22; Figure 2, Reference No. 19i; see Shimada, Figure 2, Reference No. 11).

34. As per claim 53, Murphy covers an apparatus as outlined above in the claim 48 rejection under 35 U.S.C. 103(a). In addition, the digital information and the location identity attribute are disposed in a fixed format including one of CD-ROM, DVD, diskette, videocassette, and tape (see Shimada, Figure 2, Reference No. 10; col. 11, lines 22-25, lines 42-63).

35. As per claims 21-23 and 26, they are method claims corresponding to claims 48-50 and 53 and they do not teach or define above the information claimed in claims 48-

50 and 53. Therefore, claims 21-23 and 26 are rejected as being unpatentable over Murphy in view of Shimada for the same reasons set forth in the rejections of claims 48-50 and 53.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson et al. U.S. Patent No. 4,468,793.

Rubin et al. U.S. Patent No. 6,108,365.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W Kim whose telephone number is (703) 305-8289. The examiner can normally be reached on M-F 9:00-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jung W Kim
Examiner
Art Unit 2132

Jk
July 12, 2004


JUSTIN T. DARROW
PRIMARY EXAMINER